

**DEC 19 2003**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

**CATHY A. CATTERSON  
U.S. COURT OF APPEALS**

BILLY D. MURRAY,

Petitioner - Appellant,

v.

GAIL LEWIS, Deputy Warden,

Respondent - Appellee.

No. 02-56138

D.C. No.

CV-01-00980-RSWL(E)

MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
Ronald S.W. Lew, District Judge, Presiding

Argued and Submitted December 2, 2003  
Pasadena, California

Before: KOZINSKI, NOONAN, Circuit Judges, and SCHWARZER,\*\* Senior  
United States District Judge.

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\* This disposition is not appropriate for publication and may not be cited to or  
by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

\*\* The Honorable William W Schwarzer, Senior United States District  
Judge, for the Northern District of California, sitting by designation.

California state prisoner Billy Murray (“Murray”) appeals the district court’s dismissal of his 28 U.S.C. § 2254 habeas petition challenging his conviction for possession of cocaine on due process grounds.

Murray’s petition for review to the California Supreme Court relied upon state cases which do not apply federal authority in their analyses of due process claims similar to his. Murray’s claim is therefore unexhausted. See Gray v. Netherland, 518 U.S. 152, 163 (1996).

**DISMISSED.**